

**Minutes  
Windsor Town Council Meeting  
Town Hall  
March 9, 2010**

The Windsor Town Council met in regular session on March 9, 2010 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Deputy Clerk to call the roll. Terry Whitehead, Deputy Town Clerk, recorded the minutes. Michael Stallings, Assistant Town Manager and Planning and Zoning Administrator, John L. Rowe, Jr., Interim Town Manager, Police Chief Porti, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:	J. Clinton Bryant
	Wesley F. Garris
	William L. Jones
	Carita J. Richardson
	Durwood V. Scott
	Greg Willis

Mayor Crocker asked Councilman Garris to give the invocation, and Councilman Garris did.

**Public Hearing**

Mayor Crocker said the public hearing is for the purpose of considering the adoption of a Stormwater Management Program to supplement and implement portions of the Chesapeake Bay Preservation Act to include requirements for inspection, monitoring, and enforcement of a stormwater program and permits to be issued there under relating to construction and land disturbance in the Town of Windsor, Virginia.

Mayor Crocker asked the Town Attorney if the public hearing had been properly advertised. Mr. Pretlow said yes; the Town had properly advertised the public hearing. Mayor Crocker asked the Assistant Town Manager to give an overview of the draft plan. Mr. Stallings said after several presentations by the Hampton Roads Planning District Commission, Council voted at its February 9, 2010 meeting to hold a public hearing on the plan at this meeting. He said that Town staff had made the plan available for public review on the Town's website, in the Town office, and at several meetings. He said that once the public hearing is closed, he recommends that Council adopt the Stormwater Management Plan. Mr. Stallings said he would be glad to answer any questions.

Mayor Crocker opened the public hearing. He asked for any persons in favor of adopting the stormwater management plan to come forward, and there were none. Mayor Crocker asked for any persons in opposition of adopting the stormwater management plan to come forward.

Mr. Glyn Willis, 24291 Lovers Lane, said that he is not sure that he is for or against the stormwater management plan, but he does have a few comments to make. He said after reading the program document prepared by the Hampton Roads Planning District Commission, it helped him recognize both the importance of a plan and its potential complexity. Mr. Willis shared with Council some of his observations and concerns regarding the stormwater management plan, such as sewer and flooding issues. Mr. Willis said he believes the Town does need to be actively involved in stormwater management, and it should work closely with the County to meet state regulations.

Mayor Crocker closed the public hearing. He said it is now open for discussion among Council.

Councilman Willis asked Mr. Stallings to comment on the working plan and the Town's cooperation with the County. Mr. Stallings said that Isle of Wight County will still regulate those items spelled out in this plan. He said the County will continue to administer erosion and sediment control regulations for the Town. He said the County owns the sewer system, and it will continue to be responsible for maintaining the sewer system. Mr. Stallings said there are some additional permit and inspection requirements in the plan, but the Town will not undertake those requirements until the state law requires the Town to do so, which will not go into effect until at least the year 2012. Mr. Stallings said the intent is to adopt the stormwater management plan, and let it sit dormant until the state mandates that the Town implement the permit and inspection processes. He said he anticipates that the Town's main role at this time is to implement public education items, as time permits.

Mr. Rowe said this plan is not about flooding as a result of rain storms; he said that it is about water quality. He said this plan will regulate that the storm water which flows into the Chesapeake Bay will be as clean as possible. After further discussion, Councilwoman Richardson made a motion that Council adopt the Stormwater Management Plan and wait to join H R Storm until Council elects to do so. Vice Mayor Jones seconded. Mayor Crocker called for the question. Council unanimously passed the motion as recorded on the attached chart as motion #1.

### **Delegations, Public Comments, and Citizens Concerns**

Melvin Atkinson, 13199 Poor House Road, said he is representing the Windsor Middle School PTA. He said he is before Council to inform Council that the Windsor Middle School PTA opposes the closure of the school. Mr. Atkinson

said that closing the Windsor Middle School is not the best option. He said closing the school should not be considered as long as there are other viable options on the table. He said having teachers come back from summer vacation a week later is one way to save money. Mr. Atkinson asked for Council's support by voicing its concerns to the Isle of Wight County Board of Supervisors and School Board regarding the potential closing of Windsor Middle School.

Edmond Easter, Committee Chairman of the Isle of Wight Citizens Association, said that the Isle of Wight Citizens Association is sponsoring a "Meet Your Government" program at the Smithfield Center on April 20, 2010 from 6:30 pm to 9:00 pm. He said the program will be an open forum with citizens asking questions of our elected officials from the Isle of Wight Board of Supervisors, the School Board, and Council Members from the Towns of Windsor and Smithfield. Mr. Easter said the main purpose of the program is to provide Isle of Wight citizens information concerning the future of the County. Mr. Easter asked for anyone planning to attend to please call 757-357-0992 to RSVP.

Thomas Uzzle, Red House Road, said he would like to know if the Town of Windsor was planning to have a Farmers' Market this year. Mayor Crocker asked Mr. Uzzle to leave his phone number. He said Town staff would contact him, when the Town had information on the Farmers' Market.

### **Consent Agenda**

Mayor Crocker asked for approval of the consent agenda, which included the minutes of the January 27, 2010 Council meeting, the minutes of February 3, 2010 Special Called Council meeting, the minutes of the February 9, 2010 Council meeting, and the Treasurer's reports. Councilman Garris made a motion to approve the consent agenda as presented. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

### **Town Manager's Report**

#### ***Budget Briefing by Isle of Wight School Officials***

Mr. Stallings said that Dr. Michael W. McPherson, Superintendent of Schools for Isle of Wight County, and several members of the Isle of Wight School Board will brief Council on the development of the School's 2010-2011 budget and the various alternatives for balancing the same, one of which is the possible closing of the Windsor Middle School.

Dr. McPherson introduced Mr. Griffin, member of the School Board, and Mr. Newman, Principle of Windsor High School. Dr. McPherson said that the information he is providing tonight was also discussed at a joint meeting between the Isle of Wight School Board and the Isle of Wight Board of

Supervisors. He said the \$59.1 million budget is about \$2 million less than this year's budget because of anticipated cuts in state funding. Dr. McPherson reviewed the Isle of Wight School Board's proposed operating budget. He also reviewed various budget alternatives, which include:

- Eliminate vacant central office position
- 15% reduction in resources to support
- Delay adoption of textbooks
- Slow plans for Ranger replacement
- Suspend school equipment purchases
- Suspend teacher reimbursements
- Reduction in force 7 library assistants
- Close Windsor Middle School (temporary)
- No funding of OPEB (retirement benefits for employees)

Dr. McPherson said that the School Board will conduct a public hearing on the proposed budget Thursday, March 11, 2010 at 6:00 pm. He said he would like to invite Council and any interested persons to attend, and provide input and comments. Dr. McPherson said he appreciates the opportunity to come before Council and present this information.

Mayor Crocker thanked Dr. McPherson for his presentation, and thanked Mr. Griffin, and Mr. Newman for attending.

#### ***General Fund Budget Transfer – Bank Fees***

Mr. Stallings said the next item is a transfer in the amount of \$300 from account 4-100-12100-6012, General Management – Publications to account 4-100-12100-3160, General Management – Bank Fees. He said the need for this transfer is due to an increasing number of citizens using credit cards to pay their various bills with the Town.

Mr. Stallings said each time a customer uses a credit card to make a payment to the Town, we are charged a fee by the company that handles and processes that transaction. He said these fees are paid out of the bank fees line item in the general fund. Mr. Stallings said he recommends that Council approve the transfer.

Councilwoman Richardson made a motion to approve the transfer in the amount of \$300 from account 4-100-12100-6012, General Management – Publications to account 4-100-12100-3160, General Management – Bank Fees. Vice Mayor Jones seconded.

Mayor Crocker asked if Council had any comments.

Vice Mayor Jones suggested that the Town charge a convenience fee to the customer to cover the fee charged by the credit card company that handles and processes the transactions. He said the Town could notify the citizens of this fee by putting a statement on the bill noting that there is a convenience fee on credit/debit card transactions.

Mr. Stallings said that as of Friday, March 5, 2010, the Town is charging a 3% convenience fee on the total transaction for the use of debit/credit card transactions to cover this fee. He said there is a notice on the door as one enters the Town office, and on the counter notifying customers of this fee. Mr. Stallings said he would check into putting a statement on the bill notifying customers of this fee.

Councilman Willis asked Mr. Stallings to put the credit/debit card fee in the newsletter to inform the citizens. Mr. Stallings said he would take care of having this information put in the newsletter.

Mayor Crocker called for the question. Council passed the motion unanimously as recorded on the attached chart as motion #3.

#### ***Virginia Department of Transportation Land Use Permit***

Mr. Stallings said the Town will construct the federally funded sidewalk project entirely within the Virginia Department of Transportation's (VDOT) right of way. He said the Town must obtain a land use permit from VDOT. He said as a local government, the Town can apply for a blanket permit. Mr. Stallings said this blanket permit runs for a period of two years, and it will cover any future work within the Town of Windsor, with the exception of work that disturbs the roadway, or includes the installation of new main line utilities. Mr. Stallings said that the resolution was provided with this agenda item. Mr. Stallings said he recommends that Council adopt the resolution that approves the land use permit application and authorizes the manager to execute the same.

Mayor Crocker asked the Deputy Clerk to read the title of the resolution. Ms. Whitehead read the title of the resolution as follows: "A Resolution Approving A Certain Virginia Department of Transportation Land Use Permit Application and Authorizing And Directing The Town Manager To Execute The Same."

Councilman Willis made a motion to adopt the resolution entitled: *A Resolution Approving A Certain Virginia Department of Transportation Land Use Permit Application and Authorizing And Directing The Town Manager To Execute The Same*. Councilman Garris seconded the motion. Mayor Crocker called for the question. Council unanimously adopted the motion as recorded on the attached chart as motion #4.

### ***Spring Clean Up Date***

Mr. Stallings said as Council knows the Town holds a special "clean up" day in both the fall and the spring. He said this day provides the citizens of Windsor an opportunity to dispose of items that are not typically collected during regular trash collection, such as appliances and furniture. He said staff has scheduled the spring clean up for spring 2010 for Saturday, May 15, 2010.

Mr. Stallings said this date will allow staff to notify citizens about the clean up through our newsletter, which will go out the end of March. He said staff will also post notices on the Town's website, digital sign, and mail out a notice to residents notifying them of the spring clean up.

### ***Calendar of Events***

Mr. Stallings said the calendar of events is self-explanatory, and is in Council's agenda packet for Council's information. He said for Council to note the changes in the dates of the meetings of the Isle of Wight County Board of Supervisors. Mayor Crocker said the Chamber of Commerce Trade Show is Wednesday, March 17, 2010. Vice Mayor Jones said the Post-Session Legislative Breakfast is Wednesday, March 24, 2010.

### ***Police Chief's Report***

Chief Porti said for the month of February there were a total of 178 calls of which Windsor Police Department answered 173 calls. He said there were a total of 149 traffic stops which resulted in 163 traffic summons, and 16 warnings. He said there were 2 DUI arrests. Chief Porti said there were 4 felony arrests which resulted in 9 charges and 6 misdemeanor arrests which resulted in 8 charges.

Chief Porti said Sergeant Reynolds, Officer Owens, and Officer Tarkington attended an Identity Theft Seminar hosted by the FBI.

Chief Porti said that the Windsor Police Department, in conjunction with the FBI, will be hosting a training seminar on Law Enforcement Officers Killed and Assaulted (LEOKA) at the Smithfield Center. He said there are over 180 attendees registered for the conference. Chief Porti said the conference is a discussion on the study of LEO deaths and injuries for the past calendar year that allows for agencies to identify and address causes through training and procedure.

### ***Town Attorney's Report***

No report.

## **Mayor's Report**

Mayor Crocker said the Isle of Wight Board of Supervisors action report is in the Town Office for anyone who wishes to review the report. He reported that he attended the Mayors and Chairs meeting on February 26, 2010. He said that a program was presented regarding wind energy.

## **Other Reports**

Councilman Willis said he would like to commend Fire Chief Leonard Marshal for his diligence with the State ISO Committee. He said that Chief Marshall worked for several days with an ISO representative, and was able to reduce the ISO rating for the Town of Windsor. Councilman Willis said that as a result, homeowners in the Town of Windsor will receive reduced insurance rates. Mr. Stallings said he would have this information put in the newsletter to inform the citizens of the Town. Mayor Crocker asked the Town Manager to send Chief Marshall a letter thanking him for his hard work and diligence.

Councilman Scott said that due to scheduling conflicts, the Economic Development Committee did not meet Monday, March 8, 2010. He said the Committee is working with a speaker, and the Committee will meet again soon.

## **Planning Commission**

Mr. Stallings said the February Planning and Zoning report is in the Council packets and is self-explanatory. He said the next Planning Commission meeting is 7:00 p.m. on March 24, 2010.

## **Old or Unfinished Business**

Vice Mayor Jones said that the Rural Development loan closing was March 3, 2010. He said the final loan was for \$879,000. He said the original interest rate was 3.625 percent. Vice Mayor Jones said that the Town closed with an interest rate of 3.25 percent. He said this lower interest rate will save the Town significant money in debt service cost over the life of the loan. He commended the Town Manager for his hard work and diligence in regards to this loan.

Vice Mayor Jones said that Council has been discussing space needs for the Police Department for the past couple of years. He said he feels it is time to move on this matter. He said Council has discussed adding on to Town Hall or building a separate building. Vice Mayor Jones said the Saunders's property was purchased with the intent of possibly building a Police Department on it. He said he would like to propose that Council approve building a Police Department on the Saunders's property that would look like a home. He said that now is a good time to build. He said if the Town builds a new municipal center in the future, then the Police Department could be converted back into a home, and it

could be sold as a residence. Vice Mayor Jones said that the Holland Meadows developers proffered to spend \$138,000 to build a Police Department for the Town. He said he would like to ask Mr. Stallings to pass out a handout regarding what was stated in the proffered conditions with Holland Meadows.

Mr. Stallings said that he and Mr. Rowe have been communicating with the developers to find out if they would provide a cash donation instead of a building. He said they have not received a definitive answer from the developers at this time. Mr. Stallings said that the proffers agreement states as follows: *"Upon the issuance of the 33<sup>rd</sup> zoning permit for construction of a single family home, the Developer shall begin construction (contingent upon Town having completed, approved plans and the site ready for new construction) of a 1,400 sq. ft. police headquarters building for which the Developer's contribution shall not exceed \$138,000. The developer's contribution of \$138,000 shall be based upon the Developers cost. The Developers cost shall not exceed expenses for labor and materials, within the building trades and materials vendors in the Hampton Roads area."* Mr. Stallings said he would continue to pursue whether the developers would be willing to provide a cash donation instead of a building.

Vice Mayor Jones said he would like to get a consensus from the members of Council regarding their thoughts on the proposal of building a Police Department on the Saunders's property. Mayor Crocker asked the Deputy Clerk to call upon each member of Council according to the roll. He asked each Council member to give their comments to the proposal that Vice Mayor Jones presented, when their name is called. Ms. Whitehead called the roll, and each Council member responded as follows:

Councilman Garris said he agrees it would be cheaper to build now. He said he does not think Council should agree to spend any money until the Town knows definitely what will be received from Holland Meadows. He said he has stated many times in the past that the Town purchased the Post Office building with the intent of converting it into a Police Department. He said he does not feel that the Town Hall property is big enough for the Post Office, Town administration building, and a Police Department. Councilman Garris said the Saunders's property would be a bad location for the police officers to get in and out of, due to the afternoon traffic of school buses blocking Church Street, and the traffic on Highway 460. Councilman Garris said he agrees it is time to move on this issue, but he does not think that the Saunders's property is the place to build a Police Department.

Councilwoman Richardson said the proffer agreement states that the Town will not receive any monetary benefit until the 33<sup>rd</sup> zoning permit has been issued. She said she is not sure that the Town will be able to get out of that agreement with the developers. Councilwoman Richardson said she does not feel that the Town should ask for a cash donation because of the Town's agreement with Isle of Wight County. She said she agrees this is a good time to build, and the Town



needs a Police Station, but she feels there are problems with the Saunders's site. She said there are properties coming up for sale in the Town that may be better suited for a Police Station. She said that Council needs to consider all possibilities carefully before a decision is made. Councilwomen Richardson said she does not want to move on this matter until the Town knows what the Holland Meadows developers are willing to do.

Councilman Willis said that Council has been working on this issue since he came on Council. He said he feels that if this Council wanted to build a Police Station, the money could be found to do so. He said it is a shame that Council is asking the Chief and his officers to do their job in such a "cracker box" office. Councilman Willis said the Saunders's property may not be the site for the Police Department, but if Council is not happy with this site, then the Police Department should be on the agenda for every meeting until a solution is found.

Councilman Scott said he concurs with all Council members who have spoken so far. He said he would like to go into a Closed Meeting at the end of this portion of the Council meeting to bring Council up to date on another option that may accomplish Council's goal of moving ahead with this issue.

Councilman Bryant said he agrees with Vice Mayor Jones that Council needs to provide the Chief with a building for his Police Department that is marketable, so it can be resold in the future, if needed. He said whether the \$138,000 proffer is available or not, the Town has enough money in the Capital Projects fund to build a Police Department.

Vice Mayor Jones thanked Council for their input. He said there may be a more suitable place for a Police Department than the Saunders's property, but Council needs to be more diligent on making a decision and moving forward on this issue. Vice Mayor Jones asked the Town Attorney when the annexation agreement would be up. Mr. Pretlow said July 1, 2011.

Mayor Crocker said Chief Porti came to Council over two years ago with space needs. He said Council has not provided him with the tools he needs. He said if citizens toured the police facility that the Town has now, they would probably ask the question "what is wrong with you, Council". He said the conditions that our Police Department are operating under now are not conducive to the health and safety of our citizens, Town personnel, or even Council, that comes in and out of Town Hall. Mayor Crocker said that Council owes it to the Chief and his officers to provide them with a facility, and we need to do it now. Mayor Crocker asked if the Town can meet with the Holland Meadows developers to discuss revising the proffers agreement.

Mr. Rowe said this is not a process of negotiations about revising the proffers agreement. He said if one desires to change the conditions of the Holland Meadows conditional zoning, then Council is looking at rezoning the property.

He said that the State Code establishes the process for conditional rezoning. He said that in this situation, the Town does not have an applicant that is asking for the property to be rezoned. He said the last time Council considered this, the applicant wanted to change the proffers, which in effect, starts the zoning process all over again. Mr. Rowe said the State Code that requires a public hearing to be held by the Planning Commission, and then by Council. He said it is not a short process assuming the Town has an applicant that would seek such a zoning application.

Mr. Rowe said he recommends that Council move forward quickly on a new Police Department, but do not hold out the hope that the solution lies with Holland Meadows. He said he agrees with Councilman Bryant. He said there is \$196,000 in the Capital Projects fund that would most likely fund a building for the Police Department.

Mr. Pretlow said that Council has not come to a consensus on the location for a new Police Department. He said a location must be determined before engineering and cost estimates can be done. After further discussion, Mayor Crocker asked that Council table this issue until after the proposed Closed Meeting. It was the consensus of Council to table this issue until after the Closed Meeting.

Council discussed the budget briefing presented by Dr. McPherson. Councilman Willis made a motion directing and authorizing the Town Manager to draft a letter to the School Board Chairman, from the Mayor on behalf of Council, expressing Council's desire to continue to have a middle school within the Town of Windsor. Councilman Scott seconded. Mayor Crocker called for the question. Council unanimously adopted the motion as recorded on the attached chart as motion #5.

### **New Business**

Councilman Willis asked the Assistant Town Manager for an update on the sidewalk project. Mr. Stallings said that all deadlines were met. Mr. Pretlow asked when the bids were due. Mr. Stallings said VDOT has not provided the Town with this information. He said he would send an information memo to Council as soon as he receives the bid deadline, or any other information regarding the sidewalk project. Councilman Scott asked if the funds were definitely available for the sidewalk project. Mr. Stallings said that VDOT approved the project and the funds are available.

Councilman Scott asked if the Intergovernmental meeting was still scheduled for March 17, 2010. Mr. Rowe said there may be a conflict with the Chamber of Commerce's annual trade. He said he has emailed Doug Caskey, and he will let Council know as soon as Mr. Caskey confirms with the other County officials.

Councilman Garris made a motion to go into a Closed Meeting pursuant to Virginia Code Section 2.2-3711, A-3 for the purpose of discussing real estate matters regarding property within the Town of Windsor, and Section 2.2-3711, A-1 for personnel matters. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

Vice Mayor Jones made a motion to go back into regular session. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Councilman Willis made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

Councilwoman Richardson made a motion to approve Mr. Stalling's employment agreement with Town Council for the position of Town Manager for the Town of Windsor with an effective date of April 1, 2010. Councilman Bryant seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #9.

Council discussed architectural and engineering matters regarding a building addition.

Councilman Willis made a motion relative to an architectural and engineering study for a building addition. Vice Mayor Jones seconded. After discussion among Council, motion and second were withdrawn.

Vice Mayor Jones made a motion to adjourn. Councilman Willis seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #10. The meeting adjourned at 10:45 p.m.

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Marvin A. Crocker, Jr., Mayor

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Terry Whitehead, Deputy Clerk

TOWN OF WINDSOR  
RECORD OF  
COUNCIL VOTES

Council Meeting Date March 9, 2010

Motion #	Garris	Richardson	Willis	Scott	Bryant	Jones	M. Crocker
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2	y	y	y	y	y	y	
3	y	y	y	y	y	y	
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6	y	y	y	y	y	y	
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Jerry Whitehead, Deputy Clerk